

21304. Misbranding of butter. U. S. v. 15 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30674. Sample no. 43256-A.)

Sample cartons of butter taken from the shipment involved in this case were found to contain less than the declared weight, 1 pound.

On June 10, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of butter at Passaic, N.J., alleging that the article had been transported in interstate commerce on or about June 7, 1933, from the premises of Alex Grossman, New York, N.Y., to the premises of Oscar Tell, Passaic, N.J., via truck of Oscar Tell, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Capital Butter Harding Cream Company Omaha, Kansas City, Des Moines Four-in-One, 1 Lb. Net."

It was alleged in the libel that the article was misbranded in that the statement on the label "1 Lb. Net", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 12, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21305. Misbranding of canned green beans. U. S. v. 878 Cans of Green Beans. Default decree of forfeiture and destruction. (F. & D. no. 30693. Sample no. 41940-A.)

This case involved a shipment of canned string beans, sample cans of which were found to contain less than 11 ounces, the declared weight.

On July 6, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 878 cans of green beans at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about May 4, 1933, by the Smith Canning Co., from Clearfield, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Smith Brand Fancy Cut Green Beans Net Contents Eleven Ozs., Smith Canning Co., Clearfield, Utah."

It was alleged in the libel that the article was misbranded in that the statement, "Contents Eleven Ozs.", borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 29, 1933, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21306. Misbranding of flour. U. S. v. 371 Bags of Flour. Decree of condemnation and forfeiture. Product released under bond to be relabeled or repacked. (F. & D. no. 30610. Sample no. 46474-A.)

This case involved a shipment of flour, sample sacks of which were found to contain less than the declared weight, 24 pounds.

On June 15, 1933, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 371 bags of flour at Abbeville, La., alleging that the article had been shipped in interstate commerce on or about May 20, 1933, by the G. B. R. Smith Milling Co., from Sherman, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "La-Belle Flour 24 Lbs. Net Weight When Packed Bleached La Belle."

It was alleged in the libel that the article was misbranded in that the statement, "24 Pounds Net", borne on the label, was false and misleading and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.